

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TERRY LIGON

#227106,

PETITIONER,

VS.

CASE NO. 3:05-CV-707-F

J.C. GILES, et al.,

RESPONDENTS.

NOTICE OF PARTIAL FILING OF EXHIBIT

Come now the Respondents, by and through the Attorney General for the State of Alabama, and hereby resubmit to this Court Exhibit 1A to the Respondents' Answer, along with a paper copy of the Respondents' August 23, 2005 Answer, which the Respondents previously attempted to file on August 23, 2005, with the following explanation:

1. The Respondents' August 23, 2005 Answer to Terry Ligon's petition for a writ habeas corpus contained, as Exhibit 1A, the record on appeal in Ligon's state court postconviction proceeding. As acknowledged by the Respondents in Footnote 1 to said Answer, portions of this exhibit were illegible, just as they were before the Alabama Court of Criminal Appeals:

“...The records of Ligon’s guilty plea proceeding are encompassed in that record on appeal. As initially noted by

State of Alabama in its Appellee's Brief before the Alabama Court of Criminal Appeals in that litigation, portions of that record are illegible."

Respondents' Answer p. 2, n. 1.

2. The record on appeal, both the legible and illegible portions, was submitted as Exhibit 1A to the Court in a good faith effort to provide it with that record in its entirety. As demonstrated in said Answer, Ligon's petition before this Court is due to be dismissed as untimely and due to his failure to exhaust his state court remedies; the illegible portions of Exhibit 1A have no effect on those grounds for dismissal.

3. The District Court Clerk refused to accept or docket said Exhibit 1A, or the paper copy of said Answer, due to the presence of illegible portions of Exhibit 1A. This Court has already accepted the electronic filing of the Respondents' Answer, however, as evidenced by this Court's August 24, 2005 order directing Ligon to show cause why his petition should not be denied as untimely.

4. Attached to the instant "Notice of Partial Filing of Exhibit" is a revised version of Exhibit 1A, and a document stating that Pages 74-99 of that exhibit have been retracted and deemed illegible by the Respondents. If need be, those pages may be again reproduced for this Court. A second paper copy of the Respondents' August 23, 2005 Answer is also submitted.

Respectfully submitted,

Troy King(KIN047)

Attorney General

By:

/s/Marc A. Starrett

Marc A. Starrett

Assistant Attorney General

ID #STARM1168

REVISED EXHIBITS:

Exhibit 1A: Record on appeal in Ligon's postconviction proceeding, Ligon v. State of Alabama, Russell County Circuit Court CC-01-352.60-356.60, Alabama Court of Criminal Appeals CR-03-1173.

Please note that pages 74-99 of this record have been retracted as illegible, as those pages were also illegible in the original record on appeal before the Alabama Court of Criminal Appeals.

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of August, 2005, I electronically filed the foregoing, excluding revised Exhibit 1A which will be mailed separately, with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Terry Ligon, AIS #220217
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/s/Marc A. Starrett
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